

Sixth Appellate District

San Jose, California

MONDAY, MAY 5, 2003

(No minute approved orders)

TUESDAY, MAY 6, 2003

The Court met in its courtroom at 333 West Santa Clara Street, Suite 1060, San Jose, California. Present: Bamattre-Manoukian, Acting P.J.; Wunderlich, J.; Mihara, J.; and W. Magsaysay, Deputy Clerk.

H023208 PEOPLE v. WEAVER

Cause called and argued by Philip H. Pennypacker appearing for Appellant and by Sharon G. Birenbaum, Deputy Attorney General, appearing for Respondent. Cause ordered submitted.

H023932 BOARD OF CHIROPRACTIC EXAMINERS v. PEARCE

Cause called and argued by Martin L. Bishop appearing for Appellant and by Fred A. Slimp II, Deputy Attorney General, appearing for Respondent. Cause ordered submitted.

H024636 SMITH v. QR, INC., et al.

Cause called and argued by Michael P. Guta appearing for Appellant and by John F. McIntyre, Jr. appearing for Respondents. Cause ordered submitted.

H025568 TORAN v. JONES, et al.

Cause called and argued by Daniel H. Qualls appearing for Appellant and by Nancy Pritikin appearing for Respondents. Cause ordered submitted. Court recesses until 1:30 p.m.

The Court reconvened at 1:30 p.m. in its courtroom at 333 West Santa Clara Street, Suite 1060, San Jose, California. Present: Rushing, P.J.; Elia, J.; Mihara, J.; and R.W. Norvelle, Deputy Clerk.

H024229 PEOPLE v. FOSTER

Cause called and argued by Alfons Wagner appearing for Appellant and by Ann P. Walthen, Deputy Attorney General, appearing for Respondent. Cause ordered submitted.

Sixth Appellate District

San Jose, California

Tuesday, May 6, 2003 (continued)

H024926 ROBERT B., et al. v. SUSAN B.; DENISE B.

Cause called and argued by Marjorie Schultz appearing for Appellant Susan B., by Paul D. Fogel appearing for Respondent Robert B., and by Lawrence Gibbs appearing for Appellant Denise B. Cause ordered submitted.

H023422 MARRIAGE OF FRONTIERO

Cause called and argued by Jeanine G. Strong appearing for Appellant and by William J. Pardue appearing for Respondent. Cause ordered submitted.

H024597 FOX v. GOOD SAMARITAN HOSPITAL

Cause called and argued by John M. Ross appearing for Appellant and by Beth McGowen appearing for Respondent. Cause ordered submitted. Court is adjourned.

H025066 PEOPLE v. ABUEG, JR.

The judgment is affirmed. (not published)
(Premo, Acting P.J.; We concur: Bamattre-Manoukian, J.,
Wunderlich, J.)
Filed May 6, 2003

H024371 PEOPLE v. HATCHETT

The judgment is modified to include a \$10,000 restitution fine under section 1202.4 and a requirement of AIDS testing under section 1202.1. As modified, the judgment is affirmed. (not published)
(Wunderlich, J.; We concur: Bamattre-Manoukian, Acting P.J.,
Mihara, J.)
Filed May 6, 2003

WEDNESDAY, MAY 7, 2003

H024476 PEOPLE v. PANTOJA

By the Court:

Upon the court's own motion, the submission order in the above-entitled matter dated February 26, 2003, is hereby vacated. The court by separate letter issued May 6, 2003, has requested supplemental briefing from the parties. The cause will be resubmitted upon completion of supplemental briefing.

Dated: May 12, 2003

Rushing, P.J.

Sixth Appellate District

San Jose, California

THURSDAY, MAY 8, 2003

The Court met in its courtroom at 333 West Santa Clara Street, Suite 1060, San Jose, California. Present: Bamattre-Manoukian, Acting P.J.; Wunderlich, J.; Mihara, J.; and S. Nasson, Deputy Clerk.

H024185 PEOPLE v. LOWMAN

Cause called and argued by David Martin appearing for Appellant and by Jeremy Friedlander, Deputy Attorney General, appearing for Respondent. Cause ordered submitted.

H024283 GOMPEL v. WALSCHON FIRE PROTECTION, INC., et al

Cause called and argued by Lyle Johnson appearing for Appellant and by Carol Pickard appearing for Respondents. Cause ordered submitted.

H024055 FUTURE PACKAGING, INC. v. THREE WAY, INC.

Cause called and argued by William Ginsburg appearing for Appellant and by Jess Millikan appearing for Respondent. Cause ordered submitted.

Mihara, J. leaves the bench. Premo, Acting P.J. takes the bench.

H025059 D.F.C.S. v. LISA I.

Cause called and argued by Carol Koenig appearing for Appellant and by Teri Robinson, Deputy County Counsel, appearing for Respondent. Cause ordered submitted.

H024200 SANTA CRUZ COUNTY HRA v. ALFREDO A., Jr., et al.

H024514 SANTA CRUZ COUNTY HRA v. ALFREDO A., Jr., et al.

Cause called and argued by Senya Means appearing for Appellants and by Shannon Sullivan, Deputy County Counsel, appearing for respondent and by Catherine Czar appearing for the minor. Cause ordered submitted. Court is in recess.

The Court reconvened at 1:30 p.m. in its courtroom at 333 West Santa Clara Street, Suite 1060, San Jose, California. Present: Premo, Acting P.J.; Bamattre-Manoukian, J.; Mihara, J.; and Jane V. Flor, Deputy Clerk.

H022984 PEOPLE v. PUGH

Cause called and argued by Solomon R. Wollack appearing for Appellant and by Christina Vom Saal, Deputy Attorney General, appearing for Respondent. Cause ordered submitted.

Sixth Appellate District

San Jose, California

Thursday, May 8, 2003 (continued)

Mihara, J. leaves the bench and Wunderlich, J. takes the bench.

H023487 PEOPLE v. HERNANDEZ

Cause called and argued by Sidney C. Flores appearing for Appellant and by Christina Vom Saal, Deputy Attorney General, appearing for Respondent. Cause ordered submitted.

H023974 PEOPLE v. WASHINGTON

Cause called and argued by Alex Green appearing for Appellant and by Nanette Winaker, Deputy Attorney General, appearing for Respondent. Cause ordered submitted.

H023839 GRANT v. COMP USA, INC.

Cause called and argued by Philip Lane Ross appearing for Appellant and by Michael Morrissey appearing for Respondent. Cause ordered submitted.

Premo, Acting P.J. leaves the bench and Mihara, J. takes the bench.

H024286 WATT v. SARATOGA CAPITAL, INC.

Cause called and argued by Dean M. Sutton appearing for Appellant Watt and by Joseph J. Wall appearing for Appellant Saratoga Capital, Inc. Cause ordered submitted. Court is adjourned.

H019770 PEOPLE v. NGUYEN

H021137 NGUYEN on Habeas Corpus

The petition for writ of habeas corpus is granted. The judgment is reversed and the matter remanded for proceedings consistent with this opinion. (not published)

(Premo, Acting P.J.; We concur: Elia, J., Mihara, J.)

Filed May 8, 2003

H024133 PRINCE v. KUMAR; MALNICK

The order of February 2, 2001, is affirmed. Plaintiff and respondent Mary Prince shall have costs on appeal. (not published)

(Wunderlich, J.; We concur: Bamattre-Manoukian, Acting P.J., Mihara, J.)

Filed May 8, 2003

Sixth Appellate District

San Jose, California

Thursday, May 8, 2003 (continued)

H023278 PEOPLE v. REDMOND

The judgment is affirmed. (not published)
(Wunderlich, J.; We concur: Premo, Acting P.J., Bamattre-
Manoukian, J.)
Filed May 8, 2003

H024646 PEOPLE v. DELCOMB, JR.

The judgment is affirmed. (not published)
(Elia, J.; We concur: Rushing, P.J., Mihara, J.)
Filed May 8, 2003

H023758 YOUNG v. PURITEL, et al.

By the Court*:
Appellants' petition for rehearing is denied.
Filed: May 8, 2003
*Before Rushing, P.J., Premo, J. and Elia, J.

H024878 PEOPLE v. GUERRERO

The judgment is affirmed. (not published)
(Elia, J.; We concur: Rushing, P.J., Premo, J.)
Filed May 8, 2003

FRIDAY, MAY 9, 2003

H025005 PEOPLE v. ALVAREZ

The judgment is affirmed. (not published)
(Elia, J.; We concur: Rushing, P.J., Mihara, J.)
Filed May 9, 2003

H025258 In re JARRED H., et al.; DFCS v. STEPHANIE G.

The order of the juvenile court is affirmed. (published)
(Premo, Acting P.J.; We concur: Bamattre-Manoukian, J.,
Wunderlich, J.)
Filed May 9, 2003

H024163 MARRIAGE OF RAMONA and TERRANCE D.

The appeal from the order denying Ramona's OSC for Contempt
is dismissed. The postjudgment orders modifying child support
and denying Ramona's motion for reconsideration are affirmed.
(not published)
(Wunderlich, J.; We concur: Bamattre-Manoukian, Acting P.J.,
Mihara, J.)
Filed May 9, 2003

Sixth Appellate District

San Jose, California

Friday, May 9, 2003 (continued)

H023391 THE PEOPLE v. TELLY

The judgment is affirmed. (not published)
(Elia, J.; We concur: Rushing, P.J., Premo, J.)
Filed May 9, 2003

H024636 SMITH v. KELSEY

The judgment is affirmed. (not published)
(Bamattre-Manoukian, Acting P.J.; We concur: Wunderlich, J.,
Mihara, J.)
Filed May 9, 2003

H025099 PEOPLE v. MARQUEZ

The judgment is affirmed. (not published)
(Wunderlich, J.; We concur: Bamattre-Manoukian, Acting P.J.,
Mihara, J.)
Filed May 9, 2003

H024564 PEOPLE v. CORNEJO

The judgment is affirmed. (not published)
(Wunderlich, J.; We concur: Bamattre-Manoukian, Acting P.J.,
Mihara, J.)
Filed May 9, 2003

H025123 PEOPLE v. DELATORRE

The judgment is affirmed. (not published)
(Wunderlich, J.; We concur: Premo, Acting P.J., Bamattre-
Manoukian, J.)
Filed May 9, 2003

H024372 RAWLS v. ZAMORA, as Registrar of Voters, etc.
By the Court*:

Appellant's petition for rehearing is denied.
Filed: May 9, 2003

*Before Rushing, P.J., Premo, J. and Wunderlich, J.

Sixth Appellate District

San Jose, California

Friday, May 9, 2003 (continued)

H022545 BELLOWS, as Trustee, etc. v. POMPLUN

H023176 BELLOWS, as Trustee, etc. v. POMPLUN

By the Court:

Upon the court's own motion, the submission order in this matter is vacated. Justice Eugene M. Premo, is substituted as a participant in the above entitled cause.

Pursuant to agreement of counsel, the newly assigned justice may listen to the recorded oral argument.

The matter is hereby resubmitted.

Dated: May 9, 2003 Premo, Acting P.J.